



900 THIRD AVENUE, 16<sup>TH</sup> FLOOR  
NEW YORK, NY 10022-4728  
212.752.8000 212.752.8393 FAX

Nolan E. Shanahan  
ASSOCIATE

Reply to New York Office  
WRITER'S DIRECT LINE: 646-563-8935  
WRITER'S DIRECT FAX: 646-521-2035  
WRITER'S E-MAIL: NShanahan@coleschotz.com

NEW JERSEY

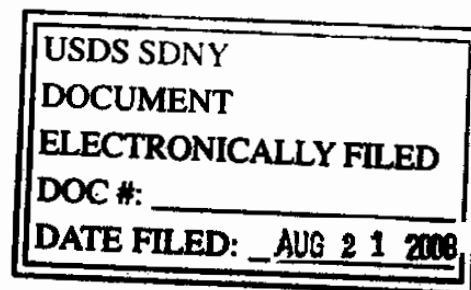
DELAWARE

MARYLAND

August 20, 2008

**VIA EMAIL**

The Honorable Paul A. Crotty  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: Madison Realty Capital, L.P. v. SE Marina Way Partnership, L.P.  
08 Civ. 06329 (PAC)

Dear Judge Crotty:

This firm represents plaintiff Madison Realty Capital, L.P. ("Madison") in connection with the above-referenced action that has been assigned to Your Honor. This action is related to case number 08 Civ. 4194 (PAC) that was resolved by a Stipulation and Order with leave to reopen, if necessary.

The instant action was commenced in New York State Supreme Court by Notice of Motion for Summary Judgment in Lieu of Complaint pursuant to CPLR § 3213. Defendants removed the action to this Court prior to the expiration of their time to oppose the application and no opposition has been served to date. In accordance with the Court's instructions, I have conferred with David B. Grantz, counsel for the defendants, and we have agreed on the following briefing schedule on the pending motion, subject to the Court's approval:

1. Defendants will file and serve their opposition by September 17, 2008; and
2. Madison will file and serve its reply papers by October 1, 2008.

It is respectfully requested that if the Court requires oral argument on the motion that such argument not be scheduled during the week of October 6, 2008 through October 10, 2008.

Pursuant to Your Honor's Individual Practices, I will forward two (2) copies of Madison's initial moving papers under separate cover. Please do not hesitate to contact me

WWW.COLESCHOTZ.COM

45468/0010-3111330v1

MEMO ENDORSED

MEMO ENDORSED

COLE, SCHOTZ, MEISEL, FORMAN & LEONARD, P.A.  
ATTORNEYS AT LAW

The Honorable Paul A. Crotty  
August 20, 2008  
Page 2

if any additional information is required in support of this application. Thank You for Your consideration.

Respectfully submitted,



Nolan E. Shanahan

NES:nes

cc: David B. Grantz, Esq. (via e-mail)  
Leo V. Leyva, Esq.

*Motion is directed to file in this proceeding the State Court Motion for Summary Judgment in leave of court & attachment papers filed in support thereof. The proposed schedule is adopted.*

SO ORDERED: AUG 21 2008

  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE